

Notice of Allowability

Application No.

10/758,347

Examiner

Satya B Sastri

Applicant(s)

DIXIT ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 7, 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S COMMENT/REASONS FOR ALLOWANCE***Response to Amendment***

1. This office action is in response to amendment filed on October 7, 2004. *Claims 1-24* are now pending in the application. In view of the arguments presented, objection to claim 1 is withdrawn. In view of the amendment, rejection of *claim 1* under second paragraph of 35 U.S.C. 112 is withdrawn. Furthermore, in view of the arguments presented, rejection of *claims 1-24* under 35 U.S.C. 103(a) as being unpatentable over Hildreth et al. (US 3,507,606) in view of Rose (US 3,979,459) and further in view of Organic Chemistry (John McMurry, Second Ed., 1988, pages 751, 530-533) is also withdrawn.

Reasons For Allowance

2. *Claims 1-24* are allowed.

3. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over combined references to Hildreth et al. (US 3,507,606), Rose (US 3,979,459) and Organic Chemistry (John McMurry, Second Ed., 1988, pages 751, 530-533) is also withdrawn prior art to Schliesman et al. (US 6,140,406).

The instant invention relates to the method of preparing 1-[4-(biphenyl-4-carbonyl)]phenylaminoanthraquinone colorant from 4-halobenzoic acid, biphenyl and 1-aminoanthraquinone by sequentially activating halobenzoic acid, subjecting the same to

Art Unit: 1713

Friedel Crafts condensation with biphenyl and subsequently reacting the condensation product with 1-aminoanthraquinone.

The primary reference to Hildreth et al. discloses dyes based on anthraquinone derivatives and the methods for preparing the same. The disclosure includes a pink dye based on the reaction of an anthraquinone derivative containing at least one primary group with a halogenated compound such as p-chlorobenzaldehyde, p-bromobenzaldehyde, p-bromobenzophenone etc. The prior art discloses the method to a dye based on a phenyl as opposed to a biphenyl substituent disclosed in the instant invention and does suggest or teach the substitution of phenyl with biphenyl groups. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Future Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

Art Unit: 1713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SATYA SASTRI

October 21, 2004



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700